



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,822	04/05/2006	Gerard Olivier	281470US2XPCT	8916
22850	7590	02/22/2010	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				KWON, ASHLEY M
ART UNIT		PAPER NUMBER		
		1795		
NOTIFICATION DATE			DELIVERY MODE	
02/22/2010			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

wk

Mailed :

In re Application of

Oliver et. al.

Serial No. 10/560,822

Filed: April 5, 2006

For: Co-Generation Of Electricity By The
Seebeck Effect Within A Fuel Cell

FEB 22 2010

DECISION ON
PETITION

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 for improperly withdrawing claims from consideration.

Original claims 10-16 recited a fuel cell stack and claims 17-18 recited a method of partial recuperation. The Examiner issued a non-final Office Action on February 19, 2009 encompassing claims 10-18. Applicants responded on June 15, 2009 and added new claims 19-26 which recited a fuel cell stack. The Examiner withdrew claims 19-26 in the Office Action of September 26, 2009 because they recited additional details of the invention that were not recited in claims 10-16.

It is noted that the present application is the national stage of a PCT application and that any restriction requirement is governed by the unity of invention rules under 37 CFR 1.475.

DECISION

The petition is **GRANTED**.

The Examiner failed to establish that a lack of unity exists to the new claims and is directed to consider the withdrawn claims.

/Jacqueline M. Stone/

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Philippe J.C. Signore, Ph.D.
OBLOM, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314